be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be fined not more than three times the amount of such money or value of such thing or imprisoned not more than three years, or both.

Title 18, USC, §371: Conspiracy to commit offense or to defraud United States

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than $10,000 or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

Constitutional Provisions:

Amendment V: Capital Crimes; Due Process

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment

or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI: Jury Trial for Crimes, and Procedural Rights

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

Appellate Decisions:

IN THE

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

NO. 18,260

CHARLES COLLE,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

Appeal from the Unted States Dstrct Court for the Southern District of Florida.

(November 9, 1960.)

Before RIVES, Chief Judge, and TUTTLE and WISDOM, Circuit Judges.

PER CURIAM: This is an appeal from a conviction of appeliant for conspiring to bribe a federal government officer, and to export arms and ammunition without a license. The alleged bribery related to the exportation of the arms. Appellant's principal contention here is that

there was insufficient evidence to connect him with the conspiracy, and that, therefore, knowledge of others charged with him could not legally be imputed to him.

We think the record amply supports the jury's verdict on all points. Appellant's criticism of the extensive participation by the trial judge in the conduct of the trial does not disclose any prejudice resulting from the questioning of witnesses by the judge. It is not contended that such interrogation was carried on in a manner that would in any way discredit the defendant or his counsel.

There being no prejudicial error in the conduct of the trial, the Judgment is AFFIRMED.

IN THE

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

NO. 18,260

CHARLES COLLE,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

Appeal from the United States District Court for the Southern District of Florida.

(July 19, 1961)

ON PETITION FOR REHEARING

Before TUTTLE, Chief Judge, and RIVES and WISDOM, Circuit Judges.

PER CURIAM: Appellant contends that in our disposition of this appeal we failed to indicate that he contends was his principal grounds of appeal; that is that the court in some manner required the defendant to take the witness stand before the court would consider the exclusion of certain evidence offered by the Government. We

have carefully considered this ground of appeal and find that the trial court, who tried the case without a jury by consent of the parties, permitted the defendant to take the stand to testify on the issue of the legality of a seizure of the property tendered in evidence by the Government. The examination of the Defendant in this connection was relevant to the issue on which the Defendant sought to give testimony.

In our opinion we referred to "the jury's verdict." The opinion is modified to strike the words "the jury's verdict," and to substitute in lieu thereof the word "judgment."

As thus modified the motion for rehearing is

DENIED.